

**IN THE CIRCUIT COURT
OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

Case No. 2018-018704-CA-01

Judicial Section: CA13

Judge: Tanya Brinkley

**MOTION TO ALERT THE COURT OF FRAUDULENT CONVEYANCE AND
REQUEST FOR STATE ATTORNEY AND DOJ INVESTIGATION**

COMES NOW the Defendant, Mario Mirabal, by and through the undersigned counsel, and respectfully files this Motion to Alert the Court of a Fraudulent Conveyance and Request for Investigation by the State Attorney and the Department of Justice. In support of this motion, Defendant states as follows:

I. Background and Fraudulent Conveyance

Despite ongoing legal proceedings before this Honorable Court, including the dismissal of Deutsche Bank National Trust Company's claims and the lifting of the lis pendens on 12/03/2024, Deutsche Bank National Trust Company (DBNTC) has engaged in fraudulent actions by assigning the property located at 563 W. 49th St, Miami Beach, FL 33140, to KP Investments Miami, LLC on 11/27/2024, for a nominal amount of \$10.00 (Exhibit 1). This conveyance was orchestrated to appear as if the Defendant, Mario Mirabal, had willingly conveyed his homestead for a

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CLERK OF COURT
MARIANA

nominal amount, which is not true. The Defendant had no knowledge of this event until 12/04/2024.

The fraudulent conveyance is part of an ongoing scheme of fraud, perjury, and collusion between Deutsche Bank and KP Investments Miami, LLC, which is at the heart of the Defendant's motion filed under Florida Rule of Civil Procedure 1.540(b), and subsequent filings in this matter. The Defendant has pending 1.540(b) motions and an adversary complaint against KP Investments Miami, LLC for fraud, perjury, and collusion with Deutsche Bank National Trust Company.

The fraudulent nature of the conveyance and the parties' disregard for applicable statutes and procedures illustrate the criminal behavior at play. This act further exacerbates the ongoing fraudulent conduct that the Defendant has repeatedly brought to the Court's attention.

II. Request for Court Action

Defendant respectfully requests that the Court take the following actions:

Invalidate the fraudulent conveyance of the property to KP Investments Miami, LLC, as it was made with fraudulent intent and without the Defendant's knowledge or consent.

Refer this matter to the State Attorney's Office and the Department of Justice for a formal investigation into the fraudulent actions and collusion between Deutsche Bank National Trust Company and KP Investments Miami, LLC.

Dismiss the Complaint for Ejectment filed by KP Investments due to the

fraudulent nature of the conveyance and the unresolved legal issues pertaining to the property's ownership.

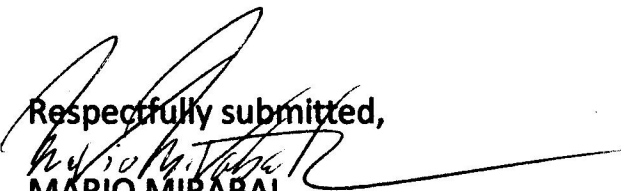
III. Conclusion

Defendant believes that the fraudulent actions committed by Deutsche Bank and KP Investments, particularly in relation to the assignment and sale of the property, warrant immediate attention and investigation. The actions taken by both parties represent a direct violation of statutory protections and cannot stand unchallenged.

WHEREFORE, Defendant, Mario Mirabal, respectfully requests that this Court:

- a) Invalidate the fraudulent conveyance of the property to KP Investments Miami, LLC;
- b) Refer this matter to the State Attorney's Office and the Department of Justice for investigation; and
- c) Dismiss the Complaint for Ejectment filed by KP Investments Miami, LLC.

Respectfully submitted,


MARIO MIRABAL

563 W 49th St,

Miami Beach, FL 33140

Email: solphax@gmail.com

CERTIFICATE OF SERVICE

**I HEREBY CERTIFY that a true and correct copy hereof was served via U.S. mail on 12/5/2024 TO:
Mehwish A. Yousuf 2400 E. Commercial Blvd., Suite 520 Ft. Lauderdale, Florida 33308**

MARIO MIRABAL

563 W 49 ST

MIAMI BEACH,FLORIDA 33140

SOLPHAX@GMAIL.COM

Exhibit 1

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

KP INVESTMENTS MIAMI, LLC, a
Florida Limited Liability Company,

Case No.:

2024-022769-CA-01

Plaintiff,

Civil Division

vs

MARIO MIRABAL
and all those in possession

Defendant.

_____ /

COMPLAINT FOR EJECTMENT

Plaintiff, KP INVESTMENTS MIAMI, LLC, a Florida Limited Liability Company
("**KP INVESTMENTS**"), by and through their undersigned counsel, John Cunill of the
Law Offices of Adorno & Cunill, pursuant to Fla. Stat. § 66.021 files this Complaint for
Ejectment against Defendant, Mario Mirabal ("**MIRABAL**"), and alleges as follows:

Parties

1. KP INVESTMENTS MIAMI, LLC, a Florida Limited Liability Company, is located at 1430 Lincoln Terrace, Apt#2, Miami Beach, FL 33139, and is the rightful owner of the property located at 563 W. 49th Street, Miami Beach, FL 33140 ("**Property**"). A true and correct copy of the warranty deed is attached hereto as **EXHIBIT A**.
2. **MIRABAL** is an individual unlawfully occupying the property located 563 W. 49th Street, Miami Beach, FL 33140.

Jurisdiction and Venue

3. This Court has jurisdiction over this matter pursuant to Fla. Stat. § 66.021, as this is an action for ejectment concerning real property located in Miami-Dade County, Florida.
4. Venue is proper in Miami-Dade County, Florida, because the property that is the subject of this action is situated in Miami-Dade County.

Property Description and Ownership

5. The property at issue is located at 563 W. 49th Street, Miami Beach, FL 33140, and is legally described as follows:

Lot 21, Block 27, Lake View Subdivision, according to the map or plat thereof, as recorded in Plat Book 14, Page 42, of the Public Records of Miami-Dade County, Florida.

6. Plaintiff has legal title to the property. A true and correct copy of the Chain of Title is attached hereto as **EXHIBIT "B"**
7. On 07/13/2009, Ariana Birencwajg, transferred said property to, Mario Mirabal via Quit Claim Deed recorded on 07/21/2009 in OR Book 26948, Page 1614 of the Public Records of Miami Dade County. *See Ex. B.*
8. On 11/13/2024 James M. Schiff, As Special Magistrate for Mario Mirabal, a Single Man Under Case Number 2022-004706-CA-01 in The Circuit Court of The 11th Judicial Circuit In And For Miami-Dade County, Florida transferred said property to KP INVESTMENTS MIAMI, LLC, a Florida Limited Liability Company via Warranty Deed recorded on 11/25/2024 in OR Book 34509, Page 3025 of the Public Records of Miami Dade County. *See Ex. B*

Statement of the Facts

9. KP INVESTMENTS purchased the property on November 20, 2024.
10. KP INVESTMENTS is the lawful owner of the property described above, having acquired title by a Warranty Deed which is recorded at OR Book 34509, Page 3025 of the Public Records of Miami Dade County *See* Ex. A.
11. KP INVESTMENTS has a superior right to possession of the property. *See* Ex. and Ex. B.
12. KP INVESTMENTS has the present right to possession of the property as KP INVESTMENTS purchased the property and has title to the property. *See* Ex. A.
13. MIRABAL was the previous owner of the property and refuses to vacate the property.
14. MIRABAL is currently in possession of the property and is occupying it without any legal right or authorization from KP INVESTMENTS.
15. Despite KP INVESTMENTS' demands for MIRABAL to vacate the property, Defendant continues to unlawfully occupy the premises.
16. KP INVESTMENTS seeks to obtain possession of the property.
17. Due to MIRABAL'S refusal to vacate the property, KP INVESTMENTS has been forced to retain undersigned counsel and incur costs associated with bringing this action.

COUNT I
Action for Ejectment

18. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 17 as if fully set forth herein.
19. KP INVESTMENTS' right to possession of the property is superior to MIRABAL'S right and KP INVESTMENTS has a present right to the property.
20. MIRABAL has no legal or equitable right to remain on the property.
21. KP INVESTMENTS is entitled to possession of the property and seeks the Court's assistance in restoring possession to him.

WHEREFORE, Plaintiff, KP INVESTMENTS MIAMI, LLC, a Florida Limited Liability Company, respectfully requests that this Court:

1. Enter a judgment in favor of Plaintiff and against Defendant, ordering Defendant to vacate the property located at 563 W. 49th Street, Miami Beach, FL 33140.
2. Award possession of the property to Plaintiff, KP INVESTMENTS MIAMI, LLC, a Florida Limited Liability Company.
3. Order the Clerk to issue a writ of possession for the property.
4. Grant any further relief the Court deems just and proper.

Verification

I, Carlos Perez as manager of KP INVESTMENTS MIAMI, LLC, a Florida Limited Liability Company, hereby verify that I have read the foregoing Complaint for Ejectment and that the facts stated herein are true and correct to the best of my knowledge and belief.

DocuSigned by:


Carlos Perez as Manager of KP INVESTMENTS MIAMI, LLC

Dated 11/27/2024.

/s/ John Cunill

John Cunill

Attorney for Plaintiff

Florida Bar Number: 101733

Law Offices of Adorno &

Cunill, PL

1000 Brickell Avenue

Suite 1100

MIAMI, FL 33131

Telephone: (305) 381-9999

Fax: (305) 381-9898

E-Mail: john@acfirm.com

EXHIBIT A

This instrument prepared by:
Amarilis Adorno Esq.
Law Offices of Adorno-Cunill
1000 Brickell Avenue
Suite 1100
Miami, FL 33131
File#2022-97613

CFN: 20240890446 BOOK 34509 PAGE 3025
DATE:11/25/2024 02:41:53 PM
DEED DOC 7,800.00
JUAN FERNANDEZ-BARQUIN
CLERK OF THE COURT & COMPTROLLER
MIAMI-DADE COUNTY, FL

WARRANTY DEED

This Warranty Deed Made this 13 day of November, 2024 between James M. Schiff, As Special Magistrate for Mario Mirabal, a Single Man Under Case Number 2022-004706-CA-01 in The Circuit Court of The 11th Judicial Circuit In And For Miami-Dade County, Florida, hereinafter called the grantor, whose post office address is 9130 S Dadeland Blvd Ste 2000, Miami FL 33156 and KP INVESTMENTS MIAMI LLC, A Florida Limited Liability Company, whose post office address is 1430 Lincoln Terrace Apt #2, Miami Beach FL 33139 hereinafter called the grantee, WITNESSETH: That said grantor, for and in consideration of the sum of \$10.00 Dollars, and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situated in Miami-Dade County, Florida:

Lot 21, Block 27, Lake View Subdivision, according to map or plat thereof as recorded in Plat Book 14, Page 42 of the Public Records of Miami-Dade County, Florida.

A/K/A 563 W. 49 Street, Miami Beach, FL 33140

FOLIO: 02-3222-022-1000

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

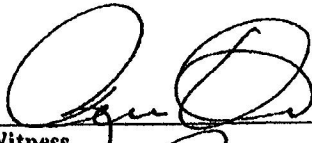
To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to 12/31/2024.

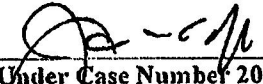
(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates)

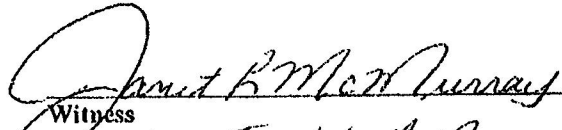
IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, Sealed and Delivered in Our Presence as to:


 Witness
 Printed Name: REINA DIAZ
 Address: 10818 SW 72 Street Unit 152
Miami, FL 33173

James M. Schiff, As Special Magistrate
 for Mario Mirabal


 Under Case Number 2022-004706-CA-01 in The Circuit Court of The 11th Judicial Circuit In And For Miami-Dade County, Florida


 Witness
 Printed Name: Janet L. McMurray
 Address: 7763 N. Kendall Dr., A214
Miami, FL 33156

STATE OF FLORIDA
 COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 13 day of November, 2024 by James M. Schiff, James M. Schiff, As Special Magistrate for Mario Mirabal, a Single Man Under Case Number 2022-004706-CA-01 in The Circuit Court Of The 11th Judicial Circuit In And For Miami-Dade County, Florida ☒ Who is/are personally known to me or () who has/have produced _____ as identification.


 Notary Public
 My Commission Expires:
 Serial Number:

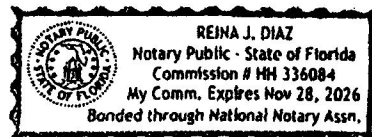


EXHIBIT B

Law Offices of Adorno & Cunill PL

A Professional Limited Liability Company
1000 Brickell Avenue, Suite 1100
Miami, Florida 33131
www.acfirm.com

Amarilis E. Adorno, Esq.
amy@acfirm.com
John Cunill, Esq.
john@acfirm.com

Phone: (305) 381-9999
Facsimile: (305) 381-9898

CHAIN OF TITLE LETTER

11/27/2024

Property: 563 W 49 St, Miami Beach, FL 33140

To Whom It May Concern:

The recorded title search provided by Stewart Title Guaranty Company; Title reflects the Deeds of Record are as follows:

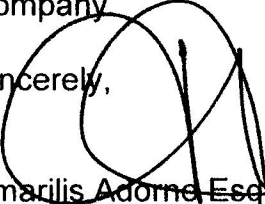
On 07/13/2009, Ariana Birencwajg, transferred said property to, Mario Mirabal via QUIT CLAIM DEED recorded on 07/21/2009 in OR Book 26948, Page 1614 of the Public Records of Miami Dade County.

and

On 11/13/2024, James M. Schiff, As Special Magistrate for Mario Mirabal, a Single Man Under Case Number 2022-004706-CA-01 in The Circuit Court of The 11th Judicial Circuit In And For Miami-Dade County, Florida transferred said property to KP INVESTMENTS MIAMI, LLC, a Florida Limited Liability Company via WARRANTY DEED recorded on 11/25/2024 in OR Book 34509, Page 3025 of the Public Records of Miami Dade County.

The present owner is KP INVESTMENTS MIAMI, LLC, a Florida Limited Liability Company

Sincerely,


Amarilis Adorno, Esq.



CFN 20090527341
OR Bk 26948 Pg 16147 (1pg)
RECORDED 07/21/2009 14:22:38
DEED DOC TAX 0.60
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA
LAST PAGE

Quitclaim Deed

RETURN TO: Mario Mirabal

ADDRESS: 563 W 49 ST Miami Beach FL 33140

THIS INSTRUMENT PREPARED BY: Ariana Birencwajg of 563 W 49 ST Miami Beach FL 33140

PROPERTY APPRAISERS PARCEL IDENTIFICATION (FOLIO) NUMBER:
02-3222-022-1000
GRANTEE Mario Mirabal

THIS INDENTURE, Made this 13th day of July, 2009, by and between Ariana Birencwajg, of 563 W 49 ST Miami Beach FL 33140, (the "Grantor"), and Mario Mirabal, of 563 W 49 ST Miami Beach FL 33140, (the "Grantee"), in the state of Florida.

WITNESSETH: That said Grantor, for and in consideration of the sum of 10.00 Dollars, lawful money of the United States of America, paid by the said Grantee, the receipt whereof is hereby acknowledged, has remised, released and quitclaimed to the Grantee, the Grantee's heirs and assigns forever, all the rights, title, interest and claim of the Grantor in and to the following described land in Miami Dade County, Florida, to-wit: LAKE VIEW SUB PB 14-42 LOT 21 BLK 27 LOT SIZE 50.000 X 129 OR 16082-32211093 1 COC 25351-3916 01 2007 1 OR 25351-3916 0107 00.

To Have and to Hold, the above described premises, with the appurtenances, unto the Grantee, the Grantee's heirs and assigns forever.

IN WITNESS WHEREOF, Grantor has executed this deed under seal on the date aforesaid.

Signed, Sealed and Delivered

In the Presence of:

Sign: [Signature]

Name: Ariana Birencwajg

Sign: [Signature]

Name: Mario Mirabal

[Signature]
Ariana Birencwajg

Grantor Acknowledgement

STATE OF FLORIDA

COUNTY OF

REPUBLIC OF ARGENTINA)
CITY OF BUENOS AIRES)
EMBASSY OF THE UNITED)
STATES OF AMERICA)

The foregoing instrument was acknowledged before me this

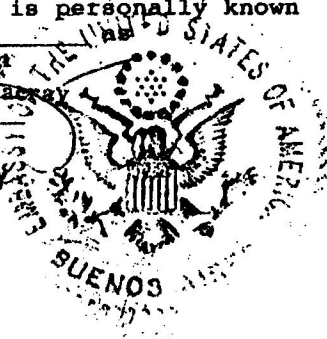
July 13, 2009 by Ariana Birencwajg who is personally known to me or who has produced [Signature] identification.

Notary Public Signature: [Signature] Rosemary H. Matney

Notary Public Name: Rosemary H. Matney Consul

Serial Number: _____

My commission expires: INDEFINITELY

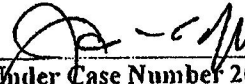


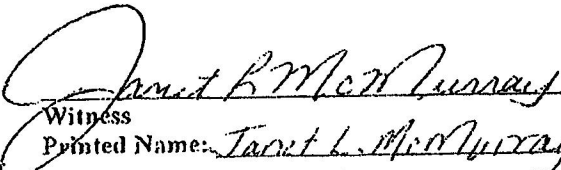
IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, Sealed and Delivered in Our Presence as to:


 Witness
 Printed Name: REINA DIAZ
 Address: 10818 SW 72 Street Unit 152
Miami, FL 33173

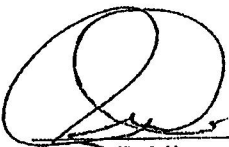
James M. Schiff, As Special Magistrate
 for Mario Mirabal


 Under Case Number 2022-004706-CA-
 01 in The Circuit Court of The 11th
 Judicial Circuit In And For Miami-
 Dade County, Florida


 Witness
 Printed Name: Janet L. McMurray
 Address: 7763 N Kendall Dr, A214
Miami, FL 33156

STATE OF FLORIDA
 COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization
 on this 13 day of November, 2024 by James M. Schiff, James M. Schiff, As Special Magistrate for
 Mario Mirabal, a Single Man Under Case Number 2022-004706-CA-01 in The Circuit Court Of The 11th
 Judicial Circuit In And For Miami-Dade County, Florida ☒ Who is/are personally known to me or () who
 has/have produced _____ as identification.


 Notary Public
 My Commission Expires:
 Serial Number:

